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P.O. Box 318  
Millsboro, DE 19966-0318  
(302) 934-1327  
June 13, 2005

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JUN 13 2005

34...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Office of Petitions USPTO 703-872-9306  
Group Art Unit: 1653

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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Diane Payne on behalf of 302-934-4305  
William P. Ramey, III Intervet U.S. Patent  
Department

USSN: 09/766,043 Attorney Reference No.: D-2001.690 US PD

Please accept the documents which follow in the above-identified  
application:

Petition Under 37 CFR §1.181 to Correct Application Papers of 6/13/05  
(32 pages)

Petition Under 37 CFR §1.181 to Correct Application Papers of  
11/4/03 (4 pages)

Exhibit 1 (1 page)

Declaration of William P. Ramey, III of 11/4/03 (3 pages)

Exhibit A (1 page)

*Intervet*

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

Fax Cover Sheet Page Two

TO: Office of Petitions USPTO  
FROM: William P. Ramey, III Intervet U.S. Patent Dept.

RE: USSN: 09/766,043 Attorney Docket: D-2001.690 US PD

Copy of Notice to File Missing Parts of Nonprovisional Application of 3/29/01 (1 page)  
Exhibit B (1 page)  
Updated Filing Receipt of 6/25/01 (3 pages)  
Exhibit C (1 page)  
Request for Status of 12/19/02 (1 page)  
Fax Cover Sheet of 12/19/02 (1 page)  
Fax History Report of 12/19/02 (1 page)  
Certificate of Facsimile Transmission of 12/19/02 (1 page)  
Exhibit D (1 page)  
Notice of Abandonment of 10/22/03 (1 page)  
Response to File Corrected Application Papers of 2/18/03  
(3 pages)  
Fax History Report of 11/4/03 (1 page)  
Certificate of Facsimile Transmission of 11/4/03 (1 page)  
Fax Cover Sheet of 11/4/03 (1 page)

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

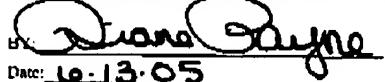
BY: William P. Ramey  
Date: 10-13-05

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CENTRAL FAX CENTER

JUN 13 2005

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

By:   
Date: 10-13-05

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1653

Filed: January 19, 2001

Examiner: Abdel Mohamed

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

Petition Under 37 CFR §1.181 to Correct Application PapersAttention: Office of Petitions  
Assistant Commissioner of Patents  
Alexandria, VA 22313

June 13, 2005

Dear Sir:

**I. Introduction**

Applicant respectfully petitions the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further, Applicant petitions the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicant or its attorneys. Please charge any required fees and credit any credits to deposit account 02-2334. Further, should the Office determine the fault is that of the Applicant, Applicant hereby wished this petition to be treated as a Revival of an Unintentionally Abandoned Application under 37 CFR 1.137(b), the fee for which may be charged to deposit account 02-2334.

## II. Petition

### A. Background Facts

1. On or about June 1, 2005, Applicant's attorney, William P. Ramey, discovered that the USPTO had not received a previously filed petition.
2. On or about June 13, 2005, Mr. Ramey was able to speak with Ms. Shirene Willis of the Office of Petitions and she instructed Mr. Ramey to file the Petition once more. Accordingly, Mr. Ramey is again filing the Petition with the proper proof that it was earlier filed, in November, 2003. Applicant is requesting a patent term extension to compensate it for the serious delays in the Office. The facts of the previous petition are as follows: (the originally filed document with proof of transmission is appended to the end of this filing)
3. On or about January 19, 2001, Application serial number 09/766,043, titled METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS, was filed in the United States Patent Office. See Exhibit 1; Declaration William P. Ramey, III, ¶1-2.
4. On or about March 29, 2001, the Patent Office issued a Notice to file Missing Parts. Applicants submitted the missing Declaration on or about May 29, 2001 with the required surcharge. See Exhibit 1, ¶3
5. A Corrected Filing Receipt issued on June 25, 2001. The Filing Receipt indicated that all papers had been received by the Patent Office. See Exhibit 1, ¶4.
6. After the passage of about 18 months, Applicants filed a Request for Status. See Exhibit B, Request for Status. To date, no reply has been received in regards to the Request for Status. See Exhibit 1; ¶4-5.
7. On or about October 22, 2003, a Notice of Abandonment was issued by the Patent Office. The Notice was received thereafter by Applicants' attorney, Mr. Ramey. See Exhibit 1, ¶5.

8. Mr. Ramey contacted the Office of Petitions, at the phone number on the Notice of Abandonment, and spoke with a Ms. Shirene Willis. See Exhibit 1; ¶6. Ms. Willis very graciously offered to assist Mr. Ramey by looking further into the matter. See Exhibit 1; ¶7.

9. On or about November 3, 2003, Mr. Ramey again spoke with Ms. Willis. Ms. Willis had obtained the application file and told Mr. Ramey that a Notice to File Corrected Application Papers was mailed from the Patent Office on or about February 18, 2003. See Exhibit 1; ¶8. Ms. Willis stated that the Notice was mailed to William P. Ramey, 405 States Street, P.O. Box 318, Millsboro, DE 19966-0318. See Exhibit 1; ¶9.

10. To date, Mr. Ramey has not received the Notice to File Corrected Application Papers. See Exhibit 1; ¶10. Mr. Ramey was unaware that any document was required by the Patent Office.

11. Ms. Willis recommended that Mr. Ramey file a Petition under 37 CFR §1.181 stating that the application papers were never received. See Exhibit 1; ¶11. Applicants hereby comply.

12. Accordingly, Applicant is filing this petition. The petition includes the Declaration of William P. Ramey, III, to establish the facts. Further, in the subsequent paragraphs, Applicant establishes that adequate policies and procedures exist at Mr. Ramey's office to process the mail. As well, Applicant respectfully submits the Abstract as a separate submission along with this Petition. Lastly, Applicant makes a request to have the Notice of Abandonment rescinded the instant application examined.

13. There are adequate policies and procedures in place at Mr. Ramey's office to process the mail. Mail is delivered to a Post Office Box by a U.S. Postal Carrier. An employee at Mr. Ramey's office collects all the mail from the Post Office Box and takes the mail to the shipping department. Once in the shipping department, the mail is distributed to the Patent Department mailbox. The patent department paralegal then collects the mail from the mailbox and processes it in the patent

department. There are adequate policies and procedures at Mr. Ramey's office to process the mail. See Exhibit 1; ¶11.

### **B. Argument and Request**

The Declaration of William P. Ramey, III establishes that the Notice to File Corrected Application Papers of February 18, 2003 was never received by Applicant's attorney, even though appropriate policies and procedures exist to process the mail at Mr. Ramey's office. Further, Applicant's first filed petition was never received by the Office. Therefore, no reply could have been made.

Moreover, the Request for Status mailed December 19, 2002 by Applicant's attorney was never properly responded to by the Patent Office. Accordingly, Applicant had no reason to believe or expect that the application had an outstanding action. Applicant exercised all reasonable diligence in the prosecution of the case. Therefore, Applicant respectfully request withdraw of the Notice of Abandonment and examination of the case. In a further sign, Applicant have submitted, as a separate submission with this petition, an Abstract.

Further, in light of the almost 50 months that this application has been pending, Applicant respectfully request a term extension to be added on allowance of this case.

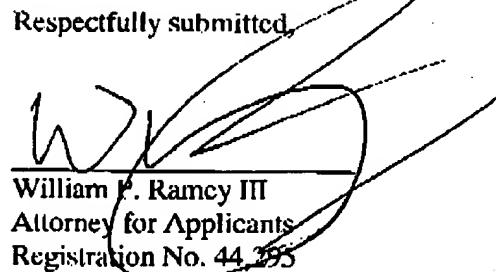
### **III. Conclusion**

In conclusion, Applicant respectfully petitions the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further, Applicant petitions the Commissioner for a term extension, in light of the serious delays encountered during prosecution of

this case that were not at the fault of the Applicant or its attorneys. Further, the application is believed in a condition for allowance and such action is respectfully requested. Should the Commissioner feel an interview would facilitate the processing of this petition, Applicant invites the Commissioner to contact the undersigned attorney. Please charge any required fee and credit and credits to deposit account 02-2334.

Should the Office determine the fault is that of the Applicant, Applicant hereby wished this petition to be treated as a Revival of an Unintentionally Abandoned Application under 37 CFR 1.137(b), the fee for which may be charged to deposit account 02-2334.

Respectfully submitted,

  
\_\_\_\_\_  
William P. Ramsey III  
Attorney for Applicants  
Registration No. 44,395

Intervet U.S. Patent Department  
29160 Intervet Lane  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305

Attorney Docket: D-2001.690 US PD  
USSN: 09/766,043

5

JUN 13 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

**Petition Under 37 CFR §1.181 to Correct Application Papers**Assistant Commissioner of Patents  
Alexandria, VA 22313

November 4, 2003

Dear Sir:

**I. Introduction**

Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further Applicants petition the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys. Please charge any required fees and credit any credits to deposit account 02-2334.

## II. Petition

### A. Background Facts

1. On or about January 19, 2001, Application serial number 09/766,043, titled METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS, was filed in the United States Patent Office. See Exhibit 1; Declaration William P. Ramey, III, ¶1-2.
2. On or about March 29, 2001, the Patent Office issued a Notice to file Missing Parts. Applicants submitted the missing Declaration on or about May 29, 2001 with the required surcharge. See Exhibit 1, ¶3
3. A Corrected Filing Receipt issued on June 25, 2001. The Filing Receipt indicated that all papers had been received by the Patent Office. See Exhibit 1, ¶4.
4. After the passage of about 18 months, Applicants filed a Request for Status. See Exhibit B, Request for Status. To date, no reply has been received in regards to the Request for Status. See Exhibit 1; ¶4-5.
5. On or about October 22, 2003, a Notice of Abandonment was issued by the Patent Office. The Notice was received thereafter by Applicants' attorney, Mr. Ramey. See Exhibit 1, ¶5.
6. Mr. Ramey contacted the Office of Petitions, at the phone number on the Notice of Abandonment, and spoke with a Ms. Shirene Willis. See Exhibit 1; ¶6. Ms. Willis very graciously offered to assist Mr. Ramey by looking further into the matter. See Exhibit 1; ¶7.
7. On or about November 3, 2003, Mr. Ramey again spoke with Ms. Willis. Ms. Willis had obtained the application file and told Mr. Ramey that a Notice to File Corrected Application Papers was mailed from the Patent Office on or about February 18, 2003. See Exhibit 1; ¶8. Ms. Willis stated that the Notice was mailed to William P. Ramey, 405 States Street, P.O. Box 318, Millsboro, DE 19966-0318. See Exhibit 1; ¶9.
8. To date, Mr. Ramey has not received the Notice to File Corrected Application Papers. See Exhibit 1; ¶10. Mr. Ramey was unaware that any document was required by the Patent Office.

9. Ms. Willis recommended that Mr. Ramey file a Petition under 37 CFR §1.181 stating that the application papers were never received. See Exhibit 1; ¶11. Applicants hereby comply.

10. Accordingly, Applicants are filing this petition. The petition includes the Declaration of William P. Ramey, III, to establish the facts. Further, in the subsequent paragraphs, Applicants establish that adequate policies and procedures exist at Mr. Ramey's office to process the mail. As well, Applicants respectfully submit the Abstract as a separate submission along with this Petition. Lastly, Applicants make a request to have the Notice of Abandonment rescinded the instant application examined.

11. There are adequate policies and procedures in place at Mr. Ramey's office to process the mail. Mail is delivered to a Post Office Box by a U.S. Postal Carrier. An employee at Mr. Ramey's office collects all the mail from the Post Office Box and takes the mail to the shipping department. Once in the shipping department, the mail is distributed to the Patent Department mailbox. The patent department paralegal then collects the mail from the mailbox and processes it in the patent department. There are adequate policies and procedures at Mr. Ramey's office to process the mail. See Exhibit 1; ¶11.

#### **B. Argument and Request**

The Declaration of William P. Ramey, III establishes that the Notice to File Corrected Application Papers of February 18, 2003 was never received by Applicants' attorney, even though appropriate policies and procedures exist to process the mail at Mr. Ramey's office. Therefore, no reply could have been made to the Notice to File Corrected Application Papers of February 18, 2003.

Moreover, the Request for Status mailed December 19, 2002 by Applicants' attorney was never properly responded to by the Patent Office. Accordingly, Applicants had no reason to believe or expect that the application had an outstanding action. Applicants exercised all

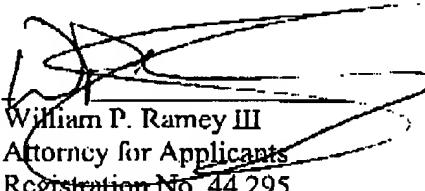
reasonable diligence in the prosecution of the case. Therefore, Applicants respectfully request withdraw of the Notice of Abandonment and examination of the case. In a further sign, Applicants have submitted, as a separate submission with this petition, an Abstract.

Further, in light of the almost 35 months that this application has been pending, Applicants respectfully request a term extension to be added on allowance of this case.

### III. Conclusion

In conclusion, Applicants respectfully petition the Commissioner to withdraw the Notice of Abandonment and allow the application to be examined. Further Applicants petition the Commissioner for a term extension, in light of the serious delays encountered during prosecution of this case that were not at the fault of the Applicants or their attorneys. Further, the application is believed in a condition for allowance and such action is respectfully requested. Should the Commissioner feel an interview would facilitate the processing of this petition, Applicants invite the Commissioner to contact the undersigned attorney. Please charge any required fee and credit and credits to deposit account 02-2334.

Respectfully submitted,



William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. 2001.690 US

Akzo Nobel Pharma Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305  
2001.690 US PD

# Exhibit 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

SHEPARD, SCOT T.

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

**DECLARATION OF WILLIAM P. RAMEY, III**

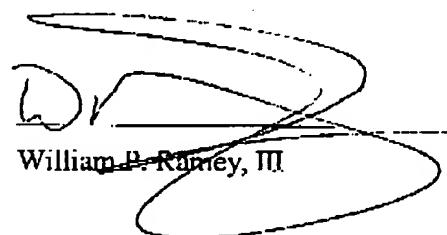
1. I, William P. Ramey, III, residing in Delaware, state that the following is true and correct to the best of my knowledge, under penalty of perjury. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 USC and that such willful false statement may jeopardize the validity of the instant patent application or any patent issuing thereon. I am a patent attorney for Akzo Nobel NV.
2. On or about January 19, 2001, Application serial number 09/766,043, titled METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS, was filed in the United States Patent Office. I represent Akzo Nobel NV before the Patent Office in regards to this application. I am very familiar with its contents.
3. On or about March 29, 2001, the Patent Office issued a Notice to file Missing Parts. See Exhibit A, Notice to File Missing Parts. Applicants submitted the missing Declaration on or about May 29, 2001, with the required surcharge.
4. A Corrected Filing Receipt issued on June 25, 2001. The Filing Receipt indicated that all papers had been received by the Patent Office. See Exhibit B, Corrected Filing Receipt.
5. After the passage of about 18 months, Applicants filed a Request for Status. See Exhibit C,

Request for Status. To date, no reply has been received in regards to the Request for Status. Accordingly, until recently, I was unaware of any requirement from the Patent Office.

6. On or about October 22, 2003, a Notice of Abandonment was issued by the Patent Office. I received the Notice therewith. See Exhibit D. The Notice stated that we had failed to reply. However, we never received a communication from the Patent Office in regards to this application.
7. I then contacted the Office of Petitions, at the phone number on the Notice of Abandonment, and spoke with a Ms. Shirene Willis. Ms. Willis very graciously offered to assist me by looking further into the matter.
8. On or about November 3, 2003, I again spoke with Ms. Willis. Ms. Willis had obtained the application file and told me that a Notice to File Corrected Application Papers was mailed from the Patent Office on or about February 18, 2003. Ms. Willis stated that the Notice was mailed to me, William P. Ramey, at 405 States Street, P.O. Box 318, Millsboro, DE 19966-0318.
9. To date, I have not received the Notice to File Corrected Application Papers. I was unaware that any document was required by the Patent Office to begin examination of the case. In fact, the Request for Status, filed on December 19, 2002, should have been replied to by the Patent Office. Instead, no reply was sent. The first document received from the Patent Office was a Notice of Abandonment in October of 2003, some 18 months after the Patent Office issued a Corrected Filing Receipt indicating that all of the required papers had been submitted. See Exhibit B.
10. Ms. Willis recommended that I file a Petition, under 37 CFR §1.181, stating that the application papers were never received. Applicants hereby comply.

11. There are adequate policies and procedures in place at my office to process the mail. Mail is delivered to a Post Office Box by a U.S. Postal Carrier. An employee at my office collects all the mail from the Post Office Box and takes the mail to the shipping department. Once in the shipping department, the mail is distributed to the Patent Department mailbox. The patent department paralegal then collects the mail from the mailbox and processes it in the patent department. There are adequate policies and procedures at my office to process the mail.
12. The Notice never made it to my office.

11/04/03  
Date

  
William P. Ranney, III

# Exhibit A

JUN 13 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/766,043	01/19/2001	Scot R. Shepard	9753-007

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

CONFIRMATION NO. 9618  
FORMALITIES LETTER  
  
 \*OC0000000005915918\*

Date Mailed: 03/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# Exhibit B

2323



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL. FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/766,043	01/19/2001	1632	840	9753-007		14	2

## CONFIRMATION NO. 9618

20583  
 PENNIE AND EDMONDS  
 1155 AVENUE OF THE AMERICAS  
 NEW YORK, NY 100362711

## UPDATED FILING RECEIPT



\*OC000000006223268\*

Date Mailed: 06/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Scot R. Shepard, Clayton, NC;

REFERRED TO S. Warren  
RECD

JUL 00 2001

Farnia & Edmonds  
O.K. for filing

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 03/29/2001

Projected Publication Date: 07/25/2002

Non-Publication Request: No

Early Publication Request: No

## Title

Methods and compositions for extracting proteins from cells

## Preliminary Class

435

JUN-13-2005 13:42 From: INTERVET INC.

3029344305

To: USPTO

P.20/34

Page 2 of 4

**Data entry by : HERNANDEZ, JESUSA**

**Team : OIPE**

**Date: 06/25/2001**



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to.

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

# Exhibit C

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SHEPARD, SCOT

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

REQUEST FOR STATUSAssistant Commissioner of Patents  
Washington, D.C. 20231

December 19, 2002

Sir:

The undersigned attorney requests the status of the above-identified application.

This application was filed in the Patent and Trademark Office on January 19, 2001 and to-date no Office Action has been received.

In the event any fees are required with this paper, please charge our Deposit Account No. 02-2334.

Respectfully submitted,

William P. Ramey III  
Attorney for Applicants  
Registration No. 44,295

Attorney Docket NO. 2001.690 US

Intervet Inc.  
Patent Department  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
Tel: (302) 933-4034  
Fax: (302) 934-4305

Telefax Transmittal  
Cover sheet

Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
(302) 934-8051

December 19, 2002

3...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Examiner	Group Art Unit 1632	703 872 9306
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PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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William P. Ramey III	Intervet, Millsboro Patent Department	302 934 4305
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RE: USSN 09/766,043  
Shepard, Scot  
Status Request

Please accept the documents that follow in the above-identified application:

Certificate of Transmission  
Status Request

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**Fax History Report for  
Intervet Inc.  
934 4305  
Dec 19 2002 4:15pm**

**Last Fax**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Dec 19	4:14pm	Sent	917038729306	0:53	3	OK

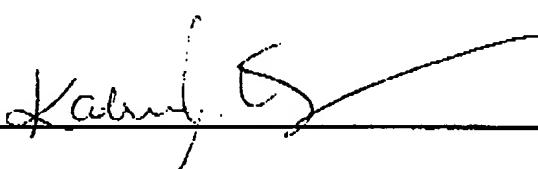
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On: December 19, 2002

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Typed or Printed Name KATRINA MEARS

USSN 09/766,043  
Attorney Docket Number 2001.690

Status Request (1 page)

# Exhibit D

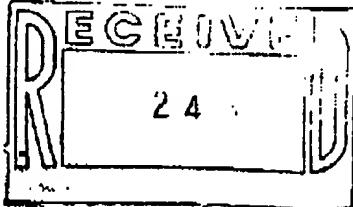


## UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT AND TRADEMARK OFFICE  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO. 1011
09/766,043	01/19/2001	Scot R. Shepard	10/2001,690 US PD

William P. Ramey  
Intervet, Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966-0318



CONFIRMATION NO. 9618  
ABANDONMENT/TERMINATION  
LETTER

  
\*OC000000011079666\*

Date Mailed: 10/22/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/18/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

*Received 10/22/2003*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART I ATTORNEY/APPLICANT COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re the application of:****SHEPARD, SCOT T.**

Serial Number: 09/766,043

Group Art Unit: 1632

Filed: January 19, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR EXTRACTING PROTEINS FROM CELLS

**Response to File Corrected Application Papers****of February 18, 2003**

Dear Sir:

**I. Introduction**

Applicants hereby submit an Abstract to comply a Notice to File Missing Parts of February 18, 2003. The Notice of February 18, 2003 has not been received by Applicants and this submission is made to comply with the requirement. After entry of the Abstract, the application papers are believed to be in compliance and Applicants respectfully request examination of the application. Please charge any required fees and credit any credits to deposit account 02-2334.

## **II. Amendments to the Specification**

Please insert, as a new page, after page, 22, the following:

### **Abstract**

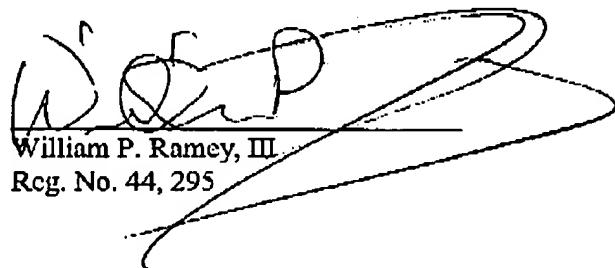
Embodiments of the present invention generally relate to processes for releasing proteins from cells and/or inactivating viruses. Processes of the present invention generally comprise the steps of contacting a host cell containing a protein of interest with a solution comprising an effective amount of a detergent.

### III. Remarks and Conclusion

Applicants respectfully request entry of the accompanying Abstract. After entry of the Abstract, the application papers will be in compliance and Applicants respectfully request examination begin.

Further, the application is believed in a condition for allowance and such action is respectfully requested. Should the Examiner feel an interview would expedite the prosecution of the case, the Examiner is invited to contact the undersigned attorney. Please charge any required fees and credit any credits to deposit account 02-2334.

Sincerely,



William P. Ramey, III  
Reg. No. 44, 295

Akzo Nobel Pharma Patent Department  
405 State Street  
P.O. 318  
Millsboro, DE 19966  
302-933-4034 (telephone)  
302-934-4305 (facsimile)

**HP OfficeJet T Series  
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Intervet Inc.  
934 4305  
Nov 04 2003 2:55pm****Last Fax**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 4	2:49pm	Sent	917033086916	6:24	26	OK

**Result:**

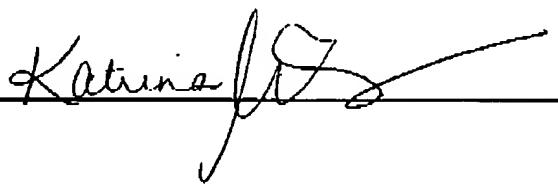
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On: November 4, 2003

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Typed or Printed Name

**KATRINA MEARS**

Shepard, Scot T.  
USSN 09/766,043  
Attorney Docket Number 2001.690 US PD

Petition Under 37 C.F.R. 1.181 to Correct Application Papers (4 pages)

Exhibit 1 – Declaration (3 pages)

Exhibit A – Notice to File Missing Parts (1 page)

Exhibit B – Updated filing receipt of June 25, 2001 (3 pages)

Exhibit C – Request for Status (4 pages)

Exhibit D – Notice of Abandonment of October 22, 2003 (1 page)

Response to Filed Corrected Application Papers (3 pages)

Telefax Transmittal  
Cover sheet

Intervet Inc.  
405 State Street  
P.O. Box 318  
Millsboro, DE 19966  
(302) 934-8051

November 4, 2003

26...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Office of Petitions	United States Patent and Trademark Office	703 308 6916
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PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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William P. Ramey III	Intervet, Millsboro Patent Department	302 934 4305
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RE: USSN 09/766,043

Attorney Docket Number 2000.690 US PD

Shepard, Scott T

Please accept the documents that follow in the above-identified application:

- Fax Transmittal (1 page)
- Petition Under 37 C.F.R. 1.181 to Correct Application Papers (4 pages)
- Exhibit 1 – Declaration (3 pages)
- Exhibit A – Notice to File Missing Parts (1 page)
- Exhibit B – Updated filing receipt of June 25, 2001 (3 pages)
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